

SECOND REGULAR SESSION

# SENATE BILL NO. 1235

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5393S.011

## AN ACT

To repeal section 321.222, RSMo, relating to residential construction regulatory systems.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 321.222, RSMo, is repealed, to read as follows:

1           [321.222. 1. As used in this section, the term "residential  
2           construction" shall mean new construction and erection of detached  
3           single-family or two-family dwellings, the alteration, enlargement,  
4           replacement, or repair of detached single-family or two-family  
5           dwellings.

6           2. As used in this section, the term "residential construction  
7           regulatory system" means any bylaw, ordinance, order, rule, or  
8           regulation pertaining to residential construction, the  
9           implementation or enforcement of any permitting system or  
10          program relative to residential construction, including the use or  
11          occupancy by the initial occupant thereof, or the implementation or  
12          enforcement of any system or program for the inspection of  
13          residential construction.

14          3. Notwithstanding the provisions of any other law to the  
15          contrary, in the event a city, town, village, or county adopts or has  
16          adopted, implements or has implemented, or enforces a residential  
17          construction regulatory system or any portion thereof applicable to  
18          residential construction within its jurisdiction, neither fire  
19          protection districts nor their boards shall have the power,  
20          authority, or privilege to adopt, enforce, or implement a residential

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

21 construction regulatory system or any portion thereof applicable to  
22 or pertaining to residential construction within the jurisdiction of  
23 such city, town, village, or county.

24 4. Any residential construction regulatory system or any  
25 portion thereof adopted or previously adopted, implemented or  
26 previously implemented, or enforced by a fire protection district or  
27 its board as to residential construction within the jurisdiction of a  
28 city, town, village, or county shall be null and void as of the date  
29 on which such city, town, village, or county adopts, implements, or  
30 enforces its own residential construction regulatory system as to  
31 residential construction within its jurisdiction whether or not the  
32 residential construction regulatory system or any portion thereof  
33 adopted, implemented, or enforced by such city, town, village, or  
34 county specifically addresses matters addressed in substance or  
35 manner by the residential construction regulatory system or any  
36 portion thereof adopted, implemented, or enforced by the applicable  
37 fire protection district or its board.

38 5. In no event shall a fire protection district or its board  
39 enact, adopt, or implement any bylaws, ordinances, orders, rules,  
40 or regulations that pertain, in any manner, to either the  
41 subdivision of land for the purpose of residential construction or to  
42 the construction, installation, and erection of any improvements,  
43 infrastructure, and utility facilities related to or for the purpose of  
44 serving residential construction.

45 6. Any residential construction regulatory system or any  
46 portion thereof adopted or previously adopted, implemented or  
47 previously implemented, or enforced by the applicable fire  
48 protection district or board that is in conflict with this section shall  
49 be void.

50 7. This section shall only apply to any fire protection  
51 district located wholly within any county of the first classification  
52 with more than one hundred ninety-eight thousand but fewer than  
53 one hundred ninety-nine thousand two hundred inhabitants.

54 8. Notwithstanding any provision in this section to the  
55 contrary, a fire protection district may enter into a contract with  
56 a county, city, town, or village to assist in the implementation of

57 the residential construction regulatory system of such county, city,  
58 town, or village as it relates to fire protection issues as long as the  
59 county, city, town, or village retains jurisdiction over the  
60 implementation and enforcement of such system.]

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